IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Notice of Motion No.3890 of 2005

In

Suit No.1683 of 2002

Smt.Tarabai Kanji Thakkar
(since deceased)
Mr.Kanjibhai Lalji Thakkar and Ors..Plaintiffs

V/s

Kedarnathsingh Mathurasingh
since deceased
Prabhatkumar K. Singh and Ors. .. Defendants

Shri Pankaj Thatle for plaintiff
None present for the defendant

CORAM:D.K.DESHMUKH,J.

DATED:28th June 2007

P.C.:-

1. This Notice of Motion is taken out by the plaintiff. Defendants are served with Notice of Motion. They are absent. They have not filed any reply.

2. At the time when the matter was before the Court in

December 2002 defendants had agreed to pay the amount mentioned in the order dated 19-12-2005. That amount was not paid. As a result of which in terms of that order, Receiver stands appointed. As the defendants have not filed any reply. Averments made in the affidavit filed in support of Notice of Motion have to be accepted at face value.

3. The Ad-interim order dated 19-12-2005 is therefore confirmed.

4. The Notice of Motion is granted in terms of prayer clause (c) excluding the bracketed portion i.e. **"together with interest @ 24% p.a. till payment and/or realisation"**.

5. Notice of Motion disposed of.

(D.K.DESHMUKH,J.)